

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

01 2004
Applicant:

Mordechai M. Beizer, Daniel Berg, Rand Scullard, Pradeep R. Simha
and Mark A. Solomon

Application No.:

09/136,244 Group: 3624

Filed

August 19, 1998

Examiner: Ella Colbert

For:

STRUCTURED WORKFOLDER

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:

10/9/03

Pamela Saveno

Date

Signature

Pamela Saveno

Typed or printed name of person signing certificate

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GROUP 3600

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is Amendment After Final Rejection under 37. C.F.R. § 1.116 for filing in the above-identified application.

[] Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a Small Entity Statement previously submitted.

[] A Small Entity Statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

The fee has been calculated as shown below:

	(COL. 1)	(COL. 2)	(COL. 3)	SMALL ENTITY	OTHER THAN SMALL ENTITY
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	
TOTAL	57	MINUS	* 58	0	
INDEP					
	3	MINUS	** 3	0	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					
				RATE	ADDT. FEE
				X \$ 9	\$
				X \$43	\$
				+ \$145	\$
OR					
				RATE	ADDT. FEE
				X \$18	\$ 0
				X \$86	\$ 0
				+ \$290	\$

* not fewer than 20

** not fewer than 3

TOTAL = \$ 0

TOTAL = \$ 0

09/136,244

-2-

Please charge Deposit Account No. 08-0380 for the following fees:

[] Petition for [] month Extension of Time \$ _____
[] Amendment Fee \$ _____
[] Other Fees: _____ \$ _____

TOTAL: \$ 0

A check is enclosed in payment of the following fees:

[] Petition for [] month Extension of Time \$ _____
[] Amendment Fee \$ _____
[] Other Fees: _____ \$ _____

TOTAL: \$ 0

[X] A general authorization is hereby granted to charge Deposit Account No. 08-0380 for any fees required under 37 C.F.R. 1.16 and 1.17 in order to maintain pendency of this application.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Mary Lou Wakimura
Mary Lou Wakimura
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Dated: 10/9/03



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Pamela Sarno

Date

Signature

PAMELA SARNO

Typed or printed name of person signing certificate

AMENDMENT AFTER FINAL REJECTION UNDER 37 C.F.R. § 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Amendment After Final Rejection is being filed in response to a Final Office Action sent by facsimile from the U.S. Patent and Trademark Office on September 24, 2003 in the above-identified application. Applicant's attorney requested the Final Office Action be faxed to

Applicant's attorney during a telephone call received from the Examiner, in which the Examiner inquired if the Applicant had filed a response to the Final Action which was posted in PAIR as having been mailed on January 31, 2003. Applicant's attorney (the correspondence address of record) did not receive the Final Action until the September 24, 2003 facsimile transmission of same.

Although the Final Action was indicated in the USPTO PAIR system as having a mail date of January 31, 2003, Applicant's attorney has learned in a telephone interview, on October 7, 2003 with the Examiner that, in fact, the Final Action was never mailed from the USPTO and the mail envelope and Final Action are still in the USPTO File Wrapper.

Applicant's attorney believes that if the Final Action was actually mailed on January 31, 2003, the application would have been statutorily abandoned on July 31, 2003 for failure to timely respond to the Final Action. However, the application cannot be abandoned because the Final Action in fact was never mailed.

Although Applicant's attorney believes the application is not abandoned, Applicant's attorney, in the alternative, is concurrently submitting a Petition to Withdraw Holding of Abandonment for Failure to Respond to an Office Action in view of the fact the subject Final Action was not received.

Please amend the application as follows: